



2003 ASSEMBLY BILL 797

February 2, 2004 - Introduced by Representatives KRUSICK, SUDER, ALBERS, BERCEAU, COLON, FRISKE, GIELOW, GRONEMUS, GUNDRUM, HAHN, JESKEWITZ, KERKMAN, KESTELL, KREIBICH, M. LEHMAN, PLOUFF, SINICKI, STASKUNAS, STEINBRINK, STONE, VRAKAS and ZEPNICK, cosponsored by Senators SCHULTZ, CARPENTER, LASSA and PLALE, by request of City of Greenfield Police Department, Wisconsin Law Enforcement Coalition, Wisconsin Chiefs of Police Association and Milwaukee Police Association. Referred to Committee on Criminal Justice.

1 **AN ACT to amend** 134.71 (5) (a), 134.71 (5) (c), 134.71 (6), 134.71 (7) (a) 1., 134.71
2 (8) (c) 1., 134.71 (8) (c) 2., 134.71 (8) (d) 2. and 134.71 (8) (d) 3.; and **to create**
3 134.71 (1) (a) 12m. and 134.71 (8) (c) 3. of the statutes; **relating to:** the
4 regulation of pawnbrokers and secondhand article and jewelry dealers.

Analysis by the Legislative Reference Bureau

Under current law, transactions involving the purchase, receipt, and exchange of certain articles (transactions) by pawnbrokers and by secondhand article dealers and secondhand jewelry dealers (secondhand dealers) are regulated by law. Pawnbrokers and secondhand dealers must have a license issued by the county or by the city, town, or village in which they operate.

Under current law, transactions relating to only certain articles require a pawnbroker or secondhand article dealer to have a license. Those articles include china, computers, electronic equipment, and small electrical appliances. This bill provides that transactions involving prerecorded video tapes or disks, audio tapes or disks, or other optical media also require a pawnbroker or secondhand article dealer to have a license.

Current law requires a pawnbroker or secondhand dealer to provide certain information on an application to obtain a license, including the applicant's name, place of birth, and residence address. This bill requires that the applicant also list all states where the applicant has previously resided.

Under current law, the governing body of a county or a city, town, or village is required to grant a license to an applicant for a pawnbroker's or secondhand dealer's

ASSEMBLY BILL 797

license if the applicant satisfies certain conditions. Among those conditions is that the applicant has not been convicted of a felony within the preceding ten years or a misdemeanor within the preceding five years. Under this bill, the applicant may not obtain a license if the applicant has been convicted of a felony within the preceding 20 years or a misdemeanor within the preceding ten years.

Current law requires secondhand article dealers to keep a written inventory for certain transactions. The secondhand article dealer must record certain information in the inventory including the name and address of each customer and the date, time, and a detailed description of the article that is the subject of the transaction. This bill provides that the inventory must also include the article's serial number and model number, if any.

Under current law, a secondhand article dealer must keep any secondhand article purchased or received by the secondhand article dealer for not less than ten days after purchase or receipt. A secondhand jewelry dealer must keep any secondhand jewelry purchased or received by the secondhand jewelry dealer for not less than 15 days after purchase or receipt. This bill provides that the secondhand article or secondhand jewelry must be kept for 21 days.

This bill also requires every secondhand article dealer to prepare a list on a weekly basis that contains certain information about transactions occurring during the week for which the list was prepared. The secondhand article dealer must make this list available to any law enforcement officer for inspection.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 134.71 (1) (a) 12m. of the statutes is created to read:

2 134.71 (1) (a) 12m. Prerecorded video tapes or disks, prerecorded audio tapes
3 or disks, and other prerecorded optical media.

4 **SECTION 2.** 134.71 (5) (a) of the statutes is amended to read:

5 134.71 (5) (a) The applicant's name, place and date of birth and, residence
6 address, and all states where the applicant has previously resided.

7 **SECTION 3.** 134.71 (5) (c) of the statutes is amended to read:

8 134.71 (5) (c) A statement as to whether the applicant has been convicted
9 within the preceding ~~10~~ 20 years of a felony or within the preceding ~~5~~ 10 years of a
10 misdemeanor, statutory violation punishable by forfeiture or county or municipal

ASSEMBLY BILL 797

1 ordinance violation in which the circumstances of the felony, misdemeanor or other
2 offense substantially relate to the circumstances of the licensed activity and, if so,
3 the nature and date of the offense and the penalty assessed.

4 **SECTION 4.** 134.71 (6) of the statutes is amended to read:

5 134.71 (6) INVESTIGATION OF LICENSE APPLICANT. The law enforcement agency of
6 the county or municipality shall investigate each applicant for a pawnbroker's,
7 secondhand article dealer's or secondhand jewelry dealer's license to determine
8 whether the applicant has been convicted within the preceding ~~10~~ 20 years of a felony
9 or within the preceding ~~5~~ 10 years of a misdemeanor, statutory violation punishable
10 by forfeiture or county or municipal ordinance violation described under sub. (5) (c)
11 and, if so, the nature and date of the offense and the penalty assessed. The law
12 enforcement agency shall furnish the information derived from that investigation in
13 writing to the clerk of the municipality or county.

14 **SECTION 5.** 134.71 (7) (a) 1. of the statutes is amended to read:

15 134.71 (7) (a) 1. The applicant, including an individual, a partner, a member
16 of a limited liability company or an officer, director or agent of any corporate
17 applicant, has not been convicted within the preceding ~~10~~ 20 years of a felony or
18 within the preceding ~~5~~ 10 years of a misdemeanor, statutory violation punishable by
19 forfeiture or county or municipal ordinance violation in which the circumstances of
20 the felony, misdemeanor or other offense substantially relate to the circumstances
21 of being a pawnbroker, secondhand jewelry dealer, secondhand article dealer or
22 secondhand article dealer mall or flea market owner.

23 **SECTION 6.** 134.71 (8) (c) 1. of the statutes is amended to read:

24 134.71 (8) (c) 1. Except as provided in subd. 2., for each transaction of purchase,
25 receipt or exchange of any secondhand article or secondhand jewelry from a

ASSEMBLY BILL 797**SECTION 6**

1 customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer
2 shall require the customer to complete and sign, in ink, the appropriate form
3 provided under sub. (12). No entry on such a form may be erased, mutilated or
4 changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer
5 shall retain an original and a duplicate of each form for not less than one year after
6 the date of the transaction except as provided in par. (e), and during that period shall
7 make the duplicate available to any law enforcement officer for inspection at any
8 time that the pawnbroker's, secondhand article dealer's, or secondhand jewelry
9 dealer's principal place of business is open to the public or at any other reasonable
10 time.

11 **SECTION 7.** 134.71 (8) (c) 2. of the statutes is amended to read:

12 134.71 (8) (c) 2. For every secondhand article purchased, received or exchanged
13 by a secondhand article dealer from a customer off the secondhand article dealer's
14 premises or consigned to the secondhand article dealer for sale on the secondhand
15 article dealer's premises, the secondhand article dealer shall keep a written
16 inventory. In this inventory the secondhand article dealer shall record the name and
17 address of each customer, the date, time and place of the transaction and a detailed
18 description of the article which is the subject of the transaction, including the
19 article's serial number and model number, if any. The customer shall sign his or her
20 name on a declaration of ownership of the secondhand article identified in the
21 inventory and shall state that he or she owns the secondhand article. The
22 secondhand article dealer shall retain an original and a duplicate of each entry and
23 declaration of ownership relating to the purchase, receipt or exchange of any
24 secondhand article for not less than one year after the date of the transaction except
25 as provided in par. (e), and shall make duplicates of the inventory and declarations

ASSEMBLY BILL 797

1 of ownership available to any law enforcement officer for inspection at any time that
2 the secondhand article dealer's principal place of business is open to the public or at
3 any other reasonable time.

4 **SECTION 8.** 134.71 (8) (c) 3. of the statutes is created to read:

5 134.71 (8) (c) 3. Every secondhand article dealer shall prepare a list on a weekly
6 basis that contains the name and address of each customer of the secondhand article
7 dealer during the week for which the list was prepared, the date, time, and place of
8 each transaction with each of those customers, and a detailed description of the
9 secondhand article, including the secondhand article's serial number and model
10 number, if any. The secondhand article dealer shall retain the list for not less than
11 one year after the date on which the list was prepared. The secondhand article dealer
12 shall make the list available to any law enforcement officer for inspection at any time
13 that the secondhand article dealer's principal place of business is open to the public
14 or at any other reasonable time.

15 **SECTION 9.** 134.71 (8) (d) 2. of the statutes is amended to read:

16 134.71 (8) (d) 2. Except as provided in subd. 5., any secondhand article
17 purchased or received by a secondhand article dealer shall be kept on the secondhand
18 article dealer's premises or other place for safekeeping for not less than 10 21 days
19 after the date of purchase or receipt.

20 **SECTION 10.** 134.71 (8) (d) 3. of the statutes is amended to read:

21 134.71 (8) (d) 3. Except as provided in subd. 5., any secondhand jewelry
22 purchased or received by a secondhand jewelry dealer shall be kept on the
23 secondhand jewelry dealer's premises or other place for safekeeping for not less than
24 15 21 days after the date of purchase or receipt.

25

(END)